IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3525 of 2006

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Purushottam Singh @ Purushottam Nath Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

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5 31-10-2013 Mr. Shekhar Singh, learned counsel for the petitioner, Mr. Rabindra Kumar Priyadarshi, learned A.C. to PAAG for the State and Mr. Dharmbir for the respondent No.4 are present.

Re: I.A. No. 1667 of 2013

This interlocutory application has been filed for expunging the name of respondent No.4, Sitaram Ram who is stated to have deceased on 19.6.2012, from the records of the proceedings and for his substitution by his legal heirs named in paragraph 1 of the interlocutory application.

Perusal of the office note manifests that the notices have been validly served on the substituted heirs of respondent No.4.

Mr. Dharmbir has registered appearance for respondent No.4 and submits that he shall be seeking instructions for appearances in respect of the substituted heirs.

In the circumstances, this interlocutory application is allowed, let the name of the respondent No.4, Sitaram Ram be

expunged from the proceedings and be substituted by his legal heirs named in paragraph 1 of the interlocutory application.

Re: C.W.J.C. No. 3525 of 2006

The writ petition questions the order dated 18.8.2005/01.09.2005 passed by the respondent No.2 the Collector, Gopalganj in exercise of powers vested under the Bihar Privileged Persons Homestead Tenancy Act 1947 whereby the revision has been dismissed and the order of the respondent No.3 i.e. Circle Officer, Baikunthpur, District Gopalgnaj has been affirmed.

The dispute raised is amenable to the jurisdiction of the Bihar Land Tribunal constituted under Section 4 of the Bihar Land Tribunal Act, 2009 (hereinafter referred to as the 'Act') and the rules framed thereunder.

In view of the provisions of Section 9 and Section 15 of the Act read with Rule 5(6) of the Bihar Land Tribunal Rules, 2010, the records of the writ proceedings stands transferred / remitted to the Bihar Land Tribunal for adjudication.

The Registry is directed to transfer the records within four weeks from today.

Bibhash/- **(Jyoti Saran, J)**